

REMARKS

Claims 1-10 were pending in the subject application for purposes of the instant Office Action. The specification has been amended in accordance with the Examiner's helpful suggestion. Claims 1 and 10 have been amended. Claim 9 has been canceled, the substantive text of which has been included as part of claim 1. In view of these amendments to the specification and claims, as shown above, it is believed that the application is now in condition for allowance. Reconsideration is respectfully requested.

Regarding the specific objections/rejections to the claims, the specification has been objected to due to the informality of the recitation at page 6, line 25 of the parenthetical term "not shown" in reference to an extending means element of the invention. In fact, the referenced extending means is indeed shown in the accompanying drawings (ref. no. 16) and is expressly described in the text at page 7, line 10. Because applicant inadvertently referred to the extending means as "not shown", this term has been deleted from the specification. The deleted text is indicated by a strikethrough in the SUBSTITUTE PAGE 6 provided as the Amendment to the Specification page, above. Applicant appreciates the Examiner's helpful review of the application and respectfully submits that the specification now accurately reflects the recitation of the extending means (ref. no. 16). Reconsideration and withdrawal of the objection to the specification is respectfully requested.

Claims 1-8 stand rejected under 35 USC 102(b) as being clearly anticipated by Mains, US Pat. No. 5,408,907. However, it is clear that original claims 9 and 10 are not anticipated by Mains '907, as these claims recite elements that distinguish the claimed invention from the cited reference. Specifically, original claims 9 and 10 recite a circular saw device having "a hydraulic circuit system for operating the drive means and extension means, said hydraulic system including a charge accumulator for delaying the time of engagement of the saw blade motor and the extension means." By the above amendments, these limitations have been incorporated into the base claim 1 and, by convention, the dependent claims 2-8. Accordingly, the distinguishing recitation in claims 1-8, as now amended, defeats the anticipation rejection asserted against these claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of claims 1-8 under 35 USC 102(b).

Claims 9 and 10, as originally presented, are rejected under 35 USC 103(a) as being unpatentable over Mains in view of Wirz, US Patent No. 3,807,270. However, applicant believes that such combination of references is made only in hindsight and cannot properly be asserted against the current claims. (Applicant now reads the rejection as against claim 1, as amended, and claim 10). First, there is no teaching or suggestion in Mains which would lead a

person of ordinary skill in the art to consider a a draw-spin-winding machine, which is described in Wirz '270, as relevant to the logging circular saw device of the subject invention.

In addition, even assuming *arguendo* that the cited references are properly combined, the combination of the two does not lead an ordinarily skilled person to an operational device which has been achieved by the subject invention. Mains, though describing a circular saw for cutting a plurality of logs, does not teach or suggest a delay mechanism which allows for the circular saw to reach a certain velocity before being engaged to cut the logs. Thus, the primary reference of Mains is deficient in its teaching or suggestion of the subject invention. Moreover, the reference of Wirz '270 does not cure this deficient teaching, nor does it provide the requisite suggestion to achieve the result offered by the subject invention. Instead, Wirz '270 describes an air-driven ("pneumatic") time-delay device which actuates a non-rotating cutting blade that severs a thread as the thread is pulled past the cutting blade.

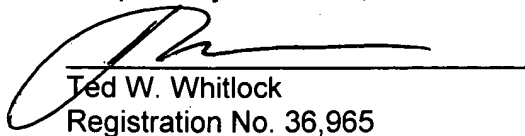
Combining Mains '907 and Wirz '270 would result in a logging circular saw having a pneumatic-driven actuator. This, of course, is not the subject invention, and would fail to achieve the necessary force required to activate the circular saw extension arm. The subject invention employs a hydraulic circuit system which drives both the saw and the extension means, working in concert to effect the desired result. There is no teaching or suggestion in either of the cited references, taken alone or in combination, to provide a circular saw having a hydraulic system which operates both the saw drive mechanism and the extension means. Applicant submits that the cited references would not have made obvious the subject invention as now claimed and respectfully requests that the rejection of claims 9 and 10 (now claims 1 and 10) under 35 USC 103(a) be reconsidered and withdrawn.

In view of the above amendments and accompanying remarks, only allowable claims remain. Applicant respectfully requests that a Notice of Allowance be issued forthwith in the subject application.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: February 3, 2003


Ted W. Whitlock
Registration No. 36,965
5323 SW 38th Avenue
Ft. Lauderdale, Florida 33312
Tel.: 954-986-2119
Fax: 954-986-2120